

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 6-106.1 and by adding Section 6-106.1c as follows:

6 (625 ILCS 5/6-106.1)

7 Sec. 6-106.1. School bus driver permit.

8 (a) The Secretary of State shall issue a school bus driver  
9 permit to those applicants who have met all the requirements of  
10 the application and screening process under this Section to  
11 insure the welfare and safety of children who are transported  
12 on school buses throughout the State of Illinois. Applicants  
13 shall obtain the proper application required by the Secretary  
14 of State from their prospective or current employer and submit  
15 the completed application to the prospective or current  
16 employer along with the necessary fingerprint submission as  
17 required by the Department of State Police to conduct  
18 fingerprint based criminal background checks on current and  
19 future information available in the state system and current  
20 information available through the Federal Bureau of  
21 Investigation's system. Applicants who have completed the  
22 fingerprinting requirements shall not be subjected to the  
23 fingerprinting process when applying for subsequent permits or

1 submitting proof of successful completion of the annual  
2 refresher course. Individuals who on the effective date of this  
3 Act possess a valid school bus driver permit that has been  
4 previously issued by the appropriate Regional School  
5 Superintendent are not subject to the fingerprinting  
6 provisions of this Section as long as the permit remains valid  
7 and does not lapse. The applicant shall be required to pay all  
8 related application and fingerprinting fees as established by  
9 rule including, but not limited to, the amounts established by  
10 the Department of State Police and the Federal Bureau of  
11 Investigation to process fingerprint based criminal background  
12 investigations. All fees paid for fingerprint processing  
13 services under this Section shall be deposited into the State  
14 Police Services Fund for the cost incurred in processing the  
15 fingerprint based criminal background investigations. All  
16 other fees paid under this Section shall be deposited into the  
17 Road Fund for the purpose of defraying the costs of the  
18 Secretary of State in administering this Section. All  
19 applicants must:

- 20 1. be 21 years of age or older;
- 21 2. possess a valid and properly classified driver's  
22 license issued by the Secretary of State;
- 23 3. possess a valid driver's license, which has not been  
24 revoked, suspended, or canceled for 3 years immediately  
25 prior to the date of application, or have not had his or  
26 her commercial motor vehicle driving privileges

1 disqualified within the 3 years immediately prior to the  
2 date of application;

3 4. successfully pass a written test, administered by  
4 the Secretary of State, on school bus operation, school bus  
5 safety, and special traffic laws relating to school buses  
6 and submit to a review of the applicant's driving habits by  
7 the Secretary of State at the time the written test is  
8 given;

9 5. demonstrate ability to exercise reasonable care in  
10 the operation of school buses in accordance with rules  
11 promulgated by the Secretary of State;

12 6. demonstrate physical fitness to operate school  
13 buses by submitting the results of a medical examination,  
14 including tests for drug use for each applicant not subject  
15 to such testing pursuant to federal law, conducted by a  
16 licensed physician, an advanced practice nurse who has a  
17 written collaborative agreement with a collaborating  
18 physician which authorizes him or her to perform medical  
19 examinations, or a physician assistant who has been  
20 delegated the performance of medical examinations by his or  
21 her supervising physician within 90 days of the date of  
22 application according to standards promulgated by the  
23 Secretary of State;

24 7. affirm under penalties of perjury that he or she has  
25 not made a false statement or knowingly concealed a  
26 material fact in any application for permit;

1           8. have completed an initial classroom course,  
2 including first aid procedures, in school bus driver safety  
3 as promulgated by the Secretary of State; and after  
4 satisfactory completion of said initial course an annual  
5 refresher course; such courses and the agency or  
6 organization conducting such courses shall be approved by  
7 the Secretary of State; failure to complete the annual  
8 refresher course, shall result in cancellation of the  
9 permit until such course is completed;

10           9. not have been convicted of 2 or more serious traffic  
11 offenses, as defined by rule, within one year prior to the  
12 date of application that may endanger the life or safety of  
13 any of the driver's passengers within the duration of the  
14 permit period;

15           10. not have been convicted of reckless driving,  
16 aggravated reckless driving, driving while under the  
17 influence of alcohol, other drug or drugs, intoxicating  
18 compound or compounds or any combination thereof, or  
19 reckless homicide resulting from the operation of a motor  
20 vehicle within 3 years of the date of application;

21           11. not have been convicted of committing or attempting  
22 to commit any one or more of the following offenses: (i)  
23 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,  
24 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,  
25 10-5.1, 10-6, 10-7, 10-9, 11-6, 11-6.5, 11-6.6, 11-9,  
26 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-15, 11-15.1,

1 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,  
2 11-19.2, 11-20, 11-20.1, 11-20.3, 11-21, 11-22, 11-23,  
3 11-24, 11-25, 11-26, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,  
4 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,  
5 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11,  
6 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,  
7 12-21.6, 12-33, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4,  
8 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,  
9 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5,  
10 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of  
11 Section 8-1, and in subsection (a) and subsection (b),  
12 clause (1), of Section 12-4, and in subsection (A), clauses  
13 (a) and (b), of Section 24-3, and those offenses contained  
14 in Article 29D of the Criminal Code of 1961; (ii) those  
15 offenses defined in the Cannabis Control Act except those  
16 offenses defined in subsections (a) and (b) of Section 4,  
17 and subsection (a) of Section 5 of the Cannabis Control  
18 Act; (iii) those offenses defined in the Illinois  
19 Controlled Substances Act; (iv) those offenses defined in  
20 the Methamphetamine Control and Community Protection Act;  
21 (v) any offense committed or attempted in any other state  
22 or against the laws of the United States, which if  
23 committed or attempted in this State would be punishable as  
24 one or more of the foregoing offenses; (vi) the offenses  
25 defined in Section 4.1 and 5.1 of the Wrongs to Children  
26 Act; (vii) those offenses defined in Section 6-16 of the

1 Liquor Control Act of 1934; and (viii) those offenses  
2 defined in the Methamphetamine Precursor Control Act; ~~and~~

3 12. not have been repeatedly involved as a driver in  
4 motor vehicle collisions or been repeatedly convicted of  
5 offenses against laws and ordinances regulating the  
6 movement of traffic, to a degree which indicates lack of  
7 ability to exercise ordinary and reasonable care in the  
8 safe operation of a motor vehicle or disrespect for the  
9 traffic laws and the safety of other persons upon the  
10 highway;

11 13. not have, through the unlawful operation of a motor  
12 vehicle, caused an accident resulting in the death of any  
13 person; ~~and~~

14 14. not have, within the last 5 years, been adjudged to  
15 be afflicted with or suffering from any mental disability  
16 or disease; and ~~and~~

17 15. consent, in writing, to the release of results of  
18 reasonable suspicion drug and alcohol testing under  
19 Section 6-106.1c of this Code by the employer of the  
20 applicant to the Secretary of State.

21 (b) A school bus driver permit shall be valid for a period  
22 specified by the Secretary of State as set forth by rule. It  
23 shall be renewable upon compliance with subsection (a) of this  
24 Section.

25 (c) A school bus driver permit shall contain the holder's  
26 driver's license number, legal name, residence address, zip

1 code, social security number and date of birth, a brief  
2 description of the holder and a space for signature. The  
3 Secretary of State may require a suitable photograph of the  
4 holder.

5 (d) The employer shall be responsible for conducting a  
6 pre-employment interview with prospective school bus driver  
7 candidates, distributing school bus driver applications and  
8 medical forms to be completed by the applicant, and submitting  
9 the applicant's fingerprint cards to the Department of State  
10 Police that are required for the criminal background  
11 investigations. The employer shall certify in writing to the  
12 Secretary of State that all pre-employment conditions have been  
13 successfully completed including the successful completion of  
14 an Illinois specific criminal background investigation through  
15 the Department of State Police and the submission of necessary  
16 fingerprints to the Federal Bureau of Investigation for  
17 criminal history information available through the Federal  
18 Bureau of Investigation system. The applicant shall present the  
19 certification to the Secretary of State at the time of  
20 submitting the school bus driver permit application.

21 (e) Permits shall initially be provisional upon receiving  
22 certification from the employer that all pre-employment  
23 conditions have been successfully completed, and upon  
24 successful completion of all training and examination  
25 requirements for the classification of the vehicle to be  
26 operated, the Secretary of State shall provisionally issue a

1 School Bus Driver Permit. The permit shall remain in a  
2 provisional status pending the completion of the Federal Bureau  
3 of Investigation's criminal background investigation based  
4 upon fingerprinting specimens submitted to the Federal Bureau  
5 of Investigation by the Department of State Police. The Federal  
6 Bureau of Investigation shall report the findings directly to  
7 the Secretary of State. The Secretary of State shall remove the  
8 bus driver permit from provisional status upon the applicant's  
9 successful completion of the Federal Bureau of Investigation's  
10 criminal background investigation.

11 (f) A school bus driver permit holder shall notify the  
12 employer and the Secretary of State if he or she is convicted  
13 in another state of an offense that would make him or her  
14 ineligible for a permit under subsection (a) of this Section.  
15 The written notification shall be made within 5 days of the  
16 entry of the conviction. Failure of the permit holder to  
17 provide the notification is punishable as a petty offense for a  
18 first violation and a Class B misdemeanor for a second or  
19 subsequent violation.

20 (g) Cancellation; suspension; notice and procedure.

21 (1) The Secretary of State shall cancel a school bus  
22 driver permit of an applicant whose criminal background  
23 investigation discloses that he or she is not in compliance  
24 with the provisions of subsection (a) of this Section.

25 (2) The Secretary of State shall cancel a school bus  
26 driver permit when he or she receives notice that the

1 permit holder fails to comply with any provision of this  
2 Section or any rule promulgated for the administration of  
3 this Section.

4 (3) The Secretary of State shall cancel a school bus  
5 driver permit if the permit holder's restricted commercial  
6 or commercial driving privileges are withdrawn or  
7 otherwise invalidated.

8 (4) The Secretary of State may not issue a school bus  
9 driver permit for a period of 3 years to an applicant who  
10 fails to obtain a negative result on a drug test as  
11 required in item 6 of subsection (a) of this Section or  
12 under federal law.

13 (5) The Secretary of State shall forthwith suspend a  
14 school bus driver permit for a period of 3 years upon  
15 receiving notice that the holder has failed to obtain a  
16 negative result on a drug test as required in item 6 of  
17 subsection (a) of this Section or under federal law.

18 (6) The Secretary of State shall suspend a school bus  
19 driver permit for a period of 3 years upon receiving notice  
20 from the employer that the holder failed to perform the  
21 inspection procedure set forth in subsection (a) or (b) of  
22 Section 12-816 of this Code.

23 (7) The Secretary of State shall suspend a school bus  
24 driver permit for a period of 3 years upon receiving notice  
25 from the employer that the holder refused to submit to an  
26 alcohol or drug test as required by Section 6-106.1c or has

1       submitted to a test required by that Section which  
2       disclosed an alcohol concentration of more than 0.00 or  
3       disclosed a positive result on a National Institute on Drug  
4       Abuse five-drug panel, utilizing federal standards set  
5       forth in 49 CFR 40.87.

6       The Secretary of State shall notify the State  
7       Superintendent of Education and the permit holder's  
8       prospective or current employer that the applicant has (1) has  
9       failed a criminal background investigation or (2) is no longer  
10      eligible for a school bus driver permit; and of the related  
11      cancellation of the applicant's provisional school bus driver  
12      permit. The cancellation shall remain in effect pending the  
13      outcome of a hearing pursuant to Section 2-118 of this Code.  
14      The scope of the hearing shall be limited to the issuance  
15      criteria contained in subsection (a) of this Section. A  
16      petition requesting a hearing shall be submitted to the  
17      Secretary of State and shall contain the reason the individual  
18      feels he or she is entitled to a school bus driver permit. The  
19      permit holder's employer shall notify in writing to the  
20      Secretary of State that the employer has certified the removal  
21      of the offending school bus driver from service prior to the  
22      start of that school bus driver's next workshift. An employing  
23      school board that fails to remove the offending school bus  
24      driver from service is subject to the penalties defined in  
25      Section 3-14.23 of the School Code. A school bus contractor who  
26      violates a provision of this Section is subject to the

1 penalties defined in Section 6-106.11.

2 All valid school bus driver permits issued under this  
3 Section prior to January 1, 1995, shall remain effective until  
4 their expiration date unless otherwise invalidated.

5 (h) When a school bus driver permit holder who is a service  
6 member is called to active duty, the employer of the permit  
7 holder shall notify the Secretary of State, within 30 days of  
8 notification from the permit holder, that the permit holder has  
9 been called to active duty. Upon notification pursuant to this  
10 subsection, (i) the Secretary of State shall characterize the  
11 permit as inactive until a permit holder renews the permit as  
12 provided in subsection (i) of this Section, and (ii) if a  
13 permit holder fails to comply with the requirements of this  
14 Section while called to active duty, the Secretary of State  
15 shall not characterize the permit as invalid.

16 (i) A school bus driver permit holder who is a service  
17 member returning from active duty must, within 90 days, renew a  
18 permit characterized as inactive pursuant to subsection (h) of  
19 this Section by complying with the renewal requirements of  
20 subsection (b) of this Section.

21 (j) For purposes of subsections (h) and (i) of this  
22 Section:

23 "Active duty" means active duty pursuant to an executive  
24 order of the President of the United States, an act of the  
25 Congress of the United States, or an order of the Governor.

26 "Service member" means a member of the Armed Services or

1 reserve forces of the United States or a member of the Illinois  
2 National Guard.

3 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;  
4 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.  
5 7-22-10; revised 9-2-10.)

6 (625 ILCS 5/6-106.1c new)

7 Sec. 6-106.1c. Reasonable suspicion drug and alcohol  
8 testing of school bus driver permit holders.

9 (a) An employer of a school bus driver permit holder who  
10 holds a commercial driver's license and who works for the  
11 employer as a school bus driver and is therefore subject to 49  
12 CFR 382.307 shall notify the Secretary of State, in a manner  
13 and form prescribed by the Secretary, of the result of a  
14 reasonable suspicion test when: (i) the test indicates an  
15 alcohol concentration greater than 0.00; (ii) the test  
16 indicates a positive result on a National Institute on Drug  
17 Abuse five-drug panel utilizing the federal standards set forth  
18 in 49 CFR 40.87; or (iii) when a driver refuses testing. The  
19 notification to the Secretary must be submitted within 48 hours  
20 of the refusal of testing or the employer's receipt of the test  
21 results.

22 (b) Employers of school bus driver permit holders who do  
23 not hold commercial driver's licenses and school bus driver  
24 permit holders who do not hold commercial driver's licenses are  
25 hereby made subject to 49 CFR 382.307 regarding reasonable

1 suspicion testing, which must be done in conformance with 49  
2 CFR Parts 40 and 382, except that the test results shall not be  
3 reported to the employer utilizing the Federal Drug Testing  
4 Custody and Control Form or the U.S. Department of  
5 Transportation Alcohol Testing Form, but shall be reported to  
6 the employer in a manner and form approved by the Secretary.  
7 The employer shall notify the Secretary, in a manner and form  
8 prescribed by the Secretary, of the result of a reasonable  
9 suspicion test when: (i) the test indicates an alcohol  
10 concentration greater than 0.00; (ii) the test indicates a  
11 positive result on a National Institute on Drug Abuse five-drug  
12 panel utilizing the federal standards set forth in 49 CFR  
13 40.87; or (iii) when a driver refuses testing. The notification  
14 to the Secretary must be submitted within 48 hours of the  
15 refusal of testing or the employer's receipt of the test  
16 results.

17 (c) The Secretary of State may adopt rules to implement  
18 this Section.

19 (d) The cost of a reasonable suspicion test shall be the  
20 responsibility of the employer, unless otherwise provided by  
21 contract or a collective bargaining agreement.

22 Section 99. Effective date. This Act takes effect January  
23 1, 2012.